Registered No. HSE-49/2016





ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

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PART II - MISCELLANEOUS NOTIFICATIOSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

ANDHRA PRADESH STATE WAQF BOARD

(TRANSIT OFFICE : RAZZAQ MANZIL, HAJ HOUSE OPP. PUBLIC GARDEN, NAMPALLY, HYDERABAD)

APPOINTMENT OF MUTAWALLI, JANAB MUZAMMIL QUADRI IN PLACE OF HIS FATHER JANAB SRI SYED HUSSAIN BASHA QUADRI - U/s. 42 OF THE WAQF ACT, 1995.

Read :-

1. Applications of Sri Syed Muzammil Quadri, dt : 10-01-2013, 7-11-2014, 28- 11-2016.
2. This office Proceedings No.608/KST/2012/ZV, dt : 15-05-2014.
3. Report of the I.A. Waqf, Krishna District, Dt :18-5-2015 received on 20-5- 2015.
4. Citation Published on 2-5-2015 in EENADU news Paper.
5. Objection of Syed Saleem Pasha Quadri, Dt : 13-05-2015
6. This office reply to Syed Saleem Pasha Quadri, Dt : 06-05-2016.
7. Application of Sri Syed Muzamil Quadri, Dt : 20-01-2017 alongwith copy of the judgment in O.S. No. 247/73 dt : 23-03-1982.
8. Legal opinion of the Legal Adviser, dated : 06-02-2017.
9. Order of the Competent Authority dated : 28-03-2017.

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F.No. 608/KSN/T/2012,- The Waqf institution Mosque situated at Bourvancha village, Nuzvid Mandal, Krishna District is a registered notified Waqf and published in A.P.Gazette No.26, dated : 28-06-1962 at serial No.659 under Mutawalliship of 1) Syed Saheb Peeran Quadri, 2) Syed Bashiruddin Quadri, 3) Syed Mohiddin Pasha Quadri and 4) Syed Hassain Basha Quadri (now all above (4) died) with attached landed properties to an extent of Ac.20.00 of waqf lands.

In the reference 1st read above, Sri Syed Muzamil Quadri has requested to appoint him as Mutawalli in place of his father Syed Hasan Basha Khadri (4th Gazette notified Mutawalli of Mosque at Serial No.659).

In the reference 3rd read above the Inspector Auditor Waqf Krishna District enclosing Paper citation and requested to appoint Janab Syed Muzammil Quadri as Mutawalli to the Mosque and Dargah Ali Shah Quadri, Boruvancha (v), Nuzvid (M), Krishna District for protection and for recovery of Waqf and to manage it as per Rules.

This office had issued Memo dated : 08-11-2013 to Sri Syed Muzammil Quadri S/o. Late Syed Hasan Basha Kahdri directing to submit documents for examination of his claim and necessary action, but he did not submitted documents as called for.

Sri Syed Muzammil Quadri had filed OS No.196/85 agaisnt Syed Hamiduddin Quadri and others on the file of Junior Civil Judge, Nuzvid to restrain the defendants from interfering with the Mosque and Dargah properties managed by them. The suit was dismissed and on that Syed Muzammil filed A.S. No.11/1997 and the Appeal was also dismissed and on that he preferred Second Appeal S.A. No.381/1990 and while it was pending, the Second Appeal was withdrawn with the permission of the High Court to file a suit in the Waqf Tribunal and on that he filed O.S. No.33/2011 and in I.A., 145/2015 an interim order is passed in favour of Syed Muzammil and Karimulla on 25-1-2011 which is still in force.

This office Citation 4th read above, was published on 2-5-2015 in EENADU Telugu Daily news Paper calling claims and objections within a period of (15) days from the date of publication of this notifications with documentary evidence.

That One Syed Saleem Pasha Quadri S/O. S.M. B. Quadri filed objection in the ref. 5th read, stating that Muzammil Quadri is looking after the management of Dargah of borvancha village only but not for Mosque and praying not to appoint Syed Muzammil Quadri as Mutawalli to the Mosque of Borvancha by taking consideration of the judgments passed earlier.

And this office vide 6th read above, had addressed vide reply Letter bearing No. 608/KST/T/2012/Z-V, dt:6-5-2016 to Syed Saleem Pasha Quadri informing to add himself as necessary party in the said suit and raise objection for proper adjudication. So far no steps are taken by him in support of his objection.

In the reference 7th read above the applicant has submitted a copy of the Judgment given in O.S. No. 247/1973 by the District Munsif Court, Nuzvid. The applicant submitted that some persons are interfering with his duties and the properties, so he had filed OS. 33/2011 on the file of A.P. Waqf Tribunal, and I.A. No. 145/2015 an interim order is passed in his favour on 25-1-2011 which is still in force and requested to issue orders in his favour to discharge duties of Mutawaili of the subject Dargah & Mosque situated at Nuzvid.

In the reference 8th read above, the matter was legally examined and based on the record legal opinion is given to appoint the applicant as Mutawalli U/s. 42 of Waqf Act 1995 incorporating the name of Syed Muzammil along with Syed Kalimullah Quadri to the subject institution subject to the rules imposed by the Board and subject to the result of the court orders he may be issued with the orders of appointment. Let the objector or opponents to get necessary order from the court to question the order issued by the Waqf Board".

That Sri Syed Muzammil Quadri has succeeded as heir of Late Syed Hassan Basha Notified Muthawalli of the Mosque Boruvancha published in the Gazette earlier in the group of Mutawallis for the Mosque in the Gazette.

The matter was placed before the Competent Authority in the reference 9th read above, who after examining the case had passed orders to appoint Sri Syed Muzammil as Mutawalli to the subject Waqf institution U/s 42 of the Waqf Act 1995.

Accordingly, as change in the management of Waqf, Janab Syed Muzammil Quadri S/o. Syed Hassain Basha Quadri is hereby incorporated as mutawaili in the place of his father Janab Syed Hasain Basha Quadri who comes under the group of Mutawallis for the Mosque, read with the relevant provisions of Waqf Act 1995 which speaks about of any change in the management of a registered Waqf.

Terms and conditions :

The Mutawalli should discharge his legitimate duties under the provision of Waqf Act 1995 and also Waqf (Amendment) Act 2013 rules framed there under and should follow the directions issue by the Waqf Board from time to time and the attached properties of the subject institution shall not mortgage/ leased out without prior approval of the Board. The Mutawalli should submit Accounts, Budget yearly to the Board as required U/s 44, 45 and U/s 46, 72 of the Waqf Act 1995 regularly and pay Waqf fund 7% promptly every year. Further the Janab Syed Muzamill Quadri is hereby directed to take necessary action for publication of Gazette Notification with his own expense.

As per Section 101(2) of Waqf Act 1995, *"Every Mutawalli of a Waqf every Member of managing committee, whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal code 1860 (45 of 1860)"*. As such, for the illegal Act if any, every member of the committee will be liable for penal action. The Committee shall also noted that Section-3 (ee) defined encroacher, Section 52-A explain rigorous punishment up to (2) years and sec.61 speaks penalty and punishment up to (6) months for lapses / Charges shown therein, hence should act carefully delinquency and maintain account scrupulously.

These orders issued subject to outcome orders in OS. 33/2011 and pending court cases if any.

The Board reserves its rights to cancel/ alter/ modify withhold the orders at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Dated : 22-04-2017. *Chief Executive Officer.*

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